

Prob12B
D/NV Form
Rev. June 2014

United States District Court
for
the District of Nevada

**REQUEST FOR MODIFICATION
TO CONDITIONS OF SUPERVISION WITH CONSENT OF OFFENDER**
Probation Form 49 (Waiver of Hearing) is Attached
May 18, 2020

Name of Offender: **Albert Samoa Maifea**

Case Number: **2:20CR00024**

Name of Sentencing Judicial Officer: **Honorable Sharon L. Gleason**

Date of Original Sentence: **May 14, 2013**

Original Offense: **Drug Conspiracy and Distribution of a Controlled Substance**

Original Sentence: **84 Months prison, followed by 60 Months TSR.**

Date Supervision Commenced: **July 19, 2019**

Date Jurisdiction Transferred to District of Nevada: **February 12, 2020**

Name of Assigned Judicial Officer: **Honorable Jennifer A. Dorsey**

PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

Residential Reentry Center – You must reside in a residential reentry center for a term of up to 180 days. You must follow the rules and regulations of the center. Subsistence shall be waived.

CAUSE

On May 14, 2013, Mr. Maifea was sentenced in the District of Alaska by the Honorable Sharon L. Gleason, U.S. District Judge, to 84 months custody, followed by 60 months supervised release for committing the offenses of Drug Conspiracy and Distribution of a Controlled Substance. Mr. Maifea commenced supervision in the District of Nevada on July 19, 2019.

RE: Albert Samoa Maifea

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In a violation report sent to the District of Alaska dated January 7, 2020, the undersigned officer outlined a number of violations including failing to report as instructed, missing drug tests, drug and alcohol use, contact with an ex-felon/ documented gang member and lying to the undersigned officer. At that time, our office increased his treatment and drug testing and continued him on his current conditions of supervised release.

On March 9, 2020, Maifea failed to appear for a scheduled drug test. On March 10, 2020, Maifea was contacted by the undersigned and indicated that he forgot to call the drug line as required. He further admitted that he used on Saturday while on lunch at work and would submit a positive drug test. Maifea apologized for his drug use and requested assistance in obtaining his sobriety. Maifea's treatment was again increased, and contact was made with his sister, to increase his support system. Despite her terminal diagnosis, she stated she would assist her brother as needed.

On May 11, 2020, and again on May 12, 2020, Maifea failed to show for required drug/alcohol testing. The undersigned officer attempted to contact Maifea on May 12, 2020, and again on May 13, 2020, however all attempts were unsuccessful. On May 14, 2020, Maifea contacted the undersigned officer and admitted to methamphetamine use. The undersigned officer advised Maifea that he was nearing the point of no return and needed to make significant changes immediately. In response to his continued drug use, the probation office is increasing Maifea's treatment sessions and drug testing frequency. In addition, the probation office is recommending placement at the halfway house for a period of up to 180 days to provide Maifea with additional structure and monitoring.

Attached is a waiver of hearing form signed by the offender to modify his conditions accordingly. The offender was explained his right to a hearing and the assistance of counsel but waived those rights and agreed to the requested modification.

Respectfully submitted,



Kamu Kapanui
2020.05.18
10:47:56 -07'00'

Kamuela K Kapanui
United States Probation Officer

Approved:



2020.05.18
09:31:15 -07'00'

Joy Gabonia
Supervisory United States Probation Officer

RE: Albert Samoa Maifea

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THE COURT ORDERS

- ☐ No Action.
- ☐ The extension of supervision as noted above.
- ☒ The modification of conditions as noted above
- ☐ Other (please include Judicial Officer instructions below):



Signature of Judicial Officer

5/18/2020

Date

PROB 49
(3/89)

UNITED STATES DISTRICT COURT

District of Nevada

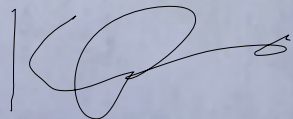
Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

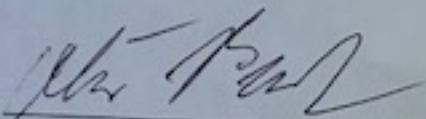
1. **Residential Reentry Center** – You must reside in a residential reentry center for a term of up to 180 days. You must follow the rules and regulations of the center. Subsistence shall be waived.

Witness



U.S. Probation Officer

Signed



Probationer or Supervised Releasee

5/15/20
Date